



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 07927-10
28 February 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 February 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps after almost two years of honorable service. The Board found that on 13 January 1986, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 11 September 1986, a medical entry stated, in part, that you admitted to vague suicidal ideation, and were unhappy with the Marine Corps. You were diagnosed with a mixed personality disorder and intense suicidal ideation. However, you were determined to be responsible for your actions. Further, that you were expected to "act out" and try to manipulate the system for your personal gain. On 17 September 1986, you were convicted by summary court-martial (SCM) of making a false official statement. You were sentenced to a reduction in rate, a forfeiture of pay, and restriction. You were counseled and warned that further misconduct could result in administrative discharge action. Despite the warning, on 7 July 1987, you received a second NJP for wrongful use of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded

recommending that you be discharged under other than honorable conditions by reason of misconduct. The discharge authority concurred and directed an other than honorable discharge by reason of misconduct due to drug abuse. On 10 November 1987, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, post service accomplishments, and character letters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for drug use, SCM conviction of a very serious offense, and the fact that you were warned of the consequences of further misconduct. Further, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director